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| EXAMINER | |
|---|---|
| STORK, KYLE R | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/087,679 | BARRY ET AL. | |
| | Examiner | Art Unit | |
| | KYLE R. STORK | 2178 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This final office action is in response to the amendment filed 2 April 2008.

2. Claims 1-29 are pending. Claims 1, 9, 16, 22, and 29 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4, 7-8, 22, 25 and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe GoLive 5.0 User Guide, (publisher Adobe, published 2000, newly cited pages 82-94, 144-149, and 377-379, hereafter Adobe), and further in view

of Mueller et al. (US 6009398, filed 18 April 1997, hereafter Mueller) and further in view of Boehne et al. (US 6434500, filed 18 October 1999, hereafter Boehne).

As per independent claim 1, Adobe discloses a system for developing a website, comprising:

- A content system for enabling a developer of a website to provide content for web pages of the website, wherein the web pages have defined categories into which the content is arranged, each category being defined based on a type of content information (pages 85, 377-379: Here, the website is shown as having the content arranged into at least two categories, images and pages)
- A site diagram system for enabling a developer to dynamically defining and depicting a relationship between the web pages (pages 92-94)
- A breadcrumb system for enabling a developer to specify whether breadcrumb code is inserted into the web pages (pages 148-149: Here, a breadcrumb mode is a form of history tracking. Adobe teaches maintaining a history of the changes to a page)
- Wherein the content, the relationship and the breadcrumb code of the website is adapted to be developed by a creator that has no knowledge of web-based programming and has no knowledge of HTML (page 1: Here, Adobe discloses the ability of a user to create a webpage without having any HTML knowledge)

Adobe fails to specifically disclose use of a calendar system for defining a calendar within the website. However, Mueller discloses a system for defining a calendar within a website that a user uses to keep track of calendaring information

(column 10, line 60- column 11, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Mueller with Adobe, since it would have allowed a user to enhance the chronological functionality of the website.

Adobe further fails to disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

As per dependent claim 4, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses:

- A side bar system for defining a side bar information (page 231-232: Here, a frame is a side bar containing information, such as a menu)
- A link system for defining links within the content (pages 144-147)
- A view system for generating a list of current content and corresponding links, based on at least one predetermined criterion (page 90)
- A template system for defining a template for the web pages (page 82)

As per dependent claim 7, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses wherein the breadcrumb code allows a reader of the website to

view a list of web page links corresponding to web pages of the website visited by the reader, and further allows the reader to select a particular link on the list to return to the corresponding web page (pages 148-149).

As per dependent claim 8, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses wherein the site diagram system depicts the relationship as links on the website (pages 92-94).

As per independent claim 22, the applicant discloses the limitations similar to those in claim 1. Claim 22 is similarly rejected.

As per dependent claim 25, the applicant discloses the limitations similar to those in claim 4. Claim 25 is similarly rejected.

As per dependent claim 28, the applicant discloses the limitations similar to those in claim 7. Claim 28 is similarly rejected.

6. Claims 2, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Yen et al. (US 6724918, filed 9 May 2000, hereafter Yen).

As per dependent claim 2, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses:

- A category system for defining the categories and assigning creator groups thereto, wherein the content for the categories can be defined only the assigned creator groups (pages 1 and 85)
- A record system for tracking changes to the content (pages 148-149)
- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors and administrators who approve the content (page 1)

Adobe fails to specifically disclose use of a metric system for tracking access to the web pages. However, Yen discloses use of a metric system for tracking access to the web pages (column 5, lines 35-55). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Yen with Adobe, since it would have allowed a user to enforce collaborative privileges.

As per dependent claim 23, the applicant discloses the limitations similar to those in claim 2. Claim 23 is similarly rejected.

As per independent claim 29, the applicant discloses the limitations similar to those in claims 1, 2, and 8 respectively. Claim 29 is similarly rejected.

7. Claims 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Stern (US 6724918, filed 9 May 2000).

As per dependent claim 3, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe fails to specifically disclose:

- A subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website
- A currency system for generating a reminder to update the content
- An information system for generating a list of new content that is posted to the website

However, Stern discloses:

- A subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website
- A currency system for generating a reminder to update the content
- An information system for generating a list of new content that is posted to the website (column 10, line 50- column 11, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Stern with Adobe, since it would have allowed a user to alert users of updated content (Stern: column 10, line 50- column 11, line 5).

As per dependent claim 24, the applicant discloses the limitations similar to those in claim 3. Claim 24 is similarly rejected.

8. Claims 5 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Busch et al. (US 6656050, filed 3

August 2001, hereafter Busch) and further in view of Daberko (US 5787445, filed 7 March 1996).

As per dependent claim 5, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses a role system for defining roles of creators of the website (page 1).

However, Adobe fails to specifically disclose a promotion system for defining a promotion schedule for content to be posted on the web pages. But, Busch discloses a promotion system for defining a promotion schedule for content to be posted on the web pages (column 1, lines 10-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Busch with Adobe, since it would have allowed a user to introduce sweepstakes capability into web pages.

Adobe further fails to disclose a removal system for defining whether the content is hidden, deleted, or archived. However, Daberko discloses a removal system for defining whether the content is hidden, deleted, or archived (column 21, table 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Daberko with Adobe, since it would have allowed a user to flag data to be hidden, deleted, or archived.

As per dependent claim 26, the applicant discloses the limitations similar to those in claim 5. Claim 26 is similarly rejected.

9. Claims 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Helgeson et al. (US 6643652, filed 12 January 2001, hereafter Helgeson).

As per dependent claim 6, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe fails to specifically discloses a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server. However, Helgeson discloses a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server (column 134, line 65- column 135, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Helgeson with Adobe, since it would have allowed a user convert non-HTML elements to markup code for display over a network.

As per dependent claim 27, the applicant discloses the limitations similar to those in claim 6. Claim 27 is similarly rejected.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, and Boehne.

As per independent claim 9, Adobe discloses a system for developing a website, comprising:

- A content system for providing content for web pages of the website, wherein the web pages have defined categories into which the content is arranged (pages 85,

377-379: Here, the website is shown as having the content arranged into at least two categories, images and pages)

- A category system for defining categories for the web pages and for assigning creator groups thereto, wherein the content for the categories can be defined only the assigned creator groups (pages 1, 85, and 148-149)
- A site diagram system for dynamically defining and depicting a relationship between the web pages (pages 92-94)
- A breadcrumb system for inserting breadcrumb code into the web pages (pages 148-149: Here, a history of the changes to a page is maintained)
- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors and administrators who approve the content (page 1)
- Wherein the content, the relationship and the breadcrumb code of the website is adapted to be developed by a creator that has no knowledge of web-based programming (page 1)

Adobe further fails to disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

11. Claims 10-11, 16-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe and Boehne, and further in view of Helgeson.

As per dependent claims 10 and 11, the applicant discloses the limitations similar to those in claim 6. Claims 10 and 11 are similarly rejected.

As per independent claim 16, Adobe discloses a method for developing a website, comprising the steps of:

- Defining categories for web pages of the website (pages 1 and 85)
- Assigning a creator group to each of the categories (page 1)
- Defining a depicting a hierarchical relationship between the web pages (pages 92-94)
- Inserting breadcrumb code into the web pages (pages 148-149)
- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors, and administrators who approve the content (page 1)
- Wherein the content, the relationship, and the breadcrumb code of the website are adapted to be developed by a creator that has no knowledge of web-based programming (page 1)

Adobe fails to specifically disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious

to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

Adobe further fails to specifically discloses a loading system for converting the content from a non-HTML format. However, Helgeson discloses a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server (column 134, line 65- column 135, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Helgeson with Adobe, since it would have allowed a user convert non-HTML elements to markup code for display over a network.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 6. Claim 17 is similarly rejected.

As per dependent claim 20, the applicant discloses the limitations similar to those in claim 4. Claim 20 is similarly rejected.

12. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson and further in view of Mueller and further in view of Yen.

As per dependent claim 12, Adobe and Boehne disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. Adobe further discloses a record system for tracking changes to the content (pages 148-149).

Adobe fails to specifically disclose a calendar system for defining a calendar within a website. . However, Mueller discloses a system for defining a calendar within

a website (column 10, line 60- column 11, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Mueller with Adobe, since it would have allowed a user to enhance the chronological functionality of the website.

Adobe further fails to specifically disclose a metric system for tracking access to the web pages. However, Yen discloses use of a metric system for tracking access to the web pages (column 5, lines 35-55). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Yen with Adobe, since it would have allowed a user to enforce collaborative privileges.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 12. Claim 18 is similarly rejected.

13. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson, Mueller, and Yen and further in view of Stern.

As per dependent claim 13, the applicant discloses the limitations similar to those in claim 3. Claim 13 is similarly rejected.

As per dependent claim 14, the applicant discloses the limitations similar to those in claim 4. Claim 14 is similarly rejected.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson, Mueller, Yen, Stern, and further in view of Busch and further in view of Daberko.

As per dependent claim 15, the applicant discloses the limitation similar to those in claim 5. Claim 15 is similarly rejected.

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson and further in view of Stern.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 3. Claim 19 is similarly rejected.

16. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, and Helgeson and further in view of Busch and further in view of Daberko.

As per dependent claim 21, the applicant discloses the limitations similar to those in claim 5. Claim 21 is similarly rejected.

***Response to Arguments***

17. Applicant's arguments filed 2 April 2008 have been fully considered but they are not persuasive.

The applicant's initial argument is based upon the belief that the prior art of record fails to disclose a content system for providing content for the web pages of a web site, the web pages having defined categories into which the content is arranged, each category being defined based upon a type of content information (pages 14-15). The applicant concludes by stating that "categories may include such categories as a sports news category, a business news category, a local news category and a national

news category (page 15)." Although these categories may represent a preferred embodiment, Adobe's separating of content into text and images falls within the claim limitations. Therefore, this argument is not persuasive.

The applicant further argues that the prior art fails to teach a calendar system for enabling a developer to define a calendar within the website (page 16). Although the applicant acknowledges, that Mueller utilizes a calendar (page 16). Therefore, combining Mueller with Adobe would allow for a calendar to be defined within the web page. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Mueller with Adobe, since it would have allowed a user to enhance the chronological functionality of the website.

The applicant argues that it is not clear whether the Adobe environment may be extended to non-Adobe environments without causing the Adobe environment to function incorrectly (page 17). However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The applicant further states that there is no motivation or suggestion in the references themselves or elsewhere in the art for combining the references (page 17). However, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining Mueller with Adobe would have allowed a user to enhance the chronological functionality of the website. Further, the combination would have enabled chronological data, such as appointments, to be stored within the website.

## ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork
Examiner
Art Unit 2178

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

krs